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Docket No.: 1791 CON

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one)

- ☒ original
- ☐ design

(check one, if applicable)

- ☐ national stage of PCT
- ☐ supplemental

- ☐ divisional
- ☒ continuation
- ☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

METHOD AND INSTRUMENTATION FOR IMPLANT INSERTION

SPECIFICATION IDENTIFICATION

the specification of which: (complete (a), (b) or (c))

- (a) ☒ is attached hereto.
- (b) ☐ was filed on _____ as ☐ Serial No. _____
or ☐ Express Mail No., as Serial No. not yet known.
and was amended _____ (if applicable).
- (c) ☐ was described and claimed in PCT International Application
No. _____ filed on _____ and as
amended under PCT Article 19 on _____ (if any).

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. § 1.56(a).

FOREIGN PRIORITY CLAIM

☐ I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) ☒ no such applications have been filed.

(e) ☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NO.	DATE OF FILING (month, day, year)	PRIORITY CLAIMED UNDER 35 USC 119
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☐ YES ☐ NO

☐ YES ☐ NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120

☒ I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

Prior U.S. Application(s) or PCT International Application(s) Designating the U.S.
For Benefit Under 35 U.S.C. § 120.

U.S. APPLICATIONS

Serial No.	Filing Date	Status (patented, pending or abandoned)
08/615,379	March 14, 1996	pending

PCT APPLICATIONS DESIGNATING THE U.S.

PCT Application No.	PCT filing date	U.S. Serial Nos. assigned (if any)	Status (patented, pending, abandoned)
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POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

JOHN C. ANDRES Reg. No. 30,931; NEIL D. GERSHON Reg. No. 32,225; BASAM E. NABULSI Reg. No. 31,645; MARK FARBER Reg. No. 34,159; NEIL Y. GILBERT Reg. No. 35,156; and CAROLYN H. BLANKENSHIP Reg. No. 35,449, all of United States Surgical Corporation, 150 Glover Avenue, Norwalk, Connecticut 06856.

PETER G. DILWORTH, Reg. No. 26,450; ROCCO S. BARRESE, Reg. No. 25,253; JOSEPH J. CATANZARO, Reg. No. 25,837; DAVID M. CARTER, Reg. No. 30,949; PAUL J. FARRELL, Reg. No. 33,494; PETER DELUCA, Reg. No. 32,978; ADRIAN T. CALDERONE, Reg. No. 31,746; GEORGE M. KAPLAN, Reg. No. 28,375; JEFFREY S. STEEN, Reg. No. 32,063; JOSEPH W. SCHMIDT, Reg. No. 36,920; RAYMOND E. FARRELL, Reg. No. 34,816; RUSSELL R. KASSNER, Reg. No. 36,183; FRANK CHAU, Reg. No. 34,136; ANTHONY J. NATOLI, Reg. No. 36,223; DANIEL E. TIERNEY, Reg. No. 33,461; WALTER M. EGBERT, III Reg. No. 37,317; JEAN Y. CHUNG, Reg. 38,674; CHRISTOPHER G. TRAINOR, Reg. No. 39,517; GLENN F. SAVIT, Reg. No. 37,437; MARTIN S. GLASS, Reg. No. 37,837; and GEORGE LIKOUREZOS, Reg. No. 40,067, all of Dilworth and Barrese, 333 Earle Ovington Boulevard, Uniondale, New York 11553.

Send Correspondence to

Direct Telephone Calls To:
(Name and telephone number)

Neil D. Gershon
United States Surgical Corporation
150 Glover Avenue
Norwalk, Connecticut 06856

Neil D. Gershon
(203) 845-1480

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full name of sole or first inventor Charles J. Winslow
Inventor's signature *Charles J. Winslow*
Date June 4, 1997 Country of Citizenship U.S.A.
Residence 25 Hilton Court, Walnut Creek, California 94595
Post Office Address (same as above)

Full name of second inventor Steven T. Mitchell
Inventor's signature *Steven T. Mitchell*
Date 7-9-97 Country of Citizenship U.S.A.
Residence 776 Duke Circle, Pleasant Hill, California 94523
Post Office Address (same as above)

Full name of third inventor Kirk Jayne
Inventor's signature *Kirk Jayne*
Date 7-8-97 Country of Citizenship U.S.A.
Residence 785 Pacific Avenue, Alameda, California 94501
Post Office Address (same as above)

Full name of fourth inventor Charles D. Ray
Inventor's signature _____
Date _____ Country of Citizenship U.S.A.
Residence 125 Alexander Walker, Kingsmill on the James, Williamsburg, VA
Post Office Address (same as above)

[] Check here for added signature pages for third and subsequent inventors.
Number of added pages is ____.

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Full name of second inventor Steven T. Mitchell
Inventor's signature _____
Date _____ Country of Citizenship U.S.A.
Residence 776 Duke Circle, Pleasant Hill, California 94523
Post Office Address (same as above)

Full name of third inventor Kirk Jayne
Inventor's signature _____
Date _____ Country of Citizenship U.S.A.
Residence 785 Pacific Avenue, Alameda, California 94501
Post Office Address (same as above)

Full name of fourth inventor Charles D. Ray
Inventor's signature  _____
Date 7/5/97 Country of Citizenship U.S.A.
Residence 125 Alexander Walker, Kingsmill on the James, Williamsburg, VA
Post Office Address (same as above)

[] Check here for added signature pages for third and subsequent inventors.
Number of added pages is ____.